

DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled RECOMBINANT BACTERIAL PHYTASES AND USES THEREOF, the specification of which

\_\_\_\_\_ is attached hereto.

X was filed on May 25, 1999 as U.S. Application Serial No. 09/318,528 (the "Application") (Docket No. DIVER1370-3).

I hereby authorize and request insertion of the application serial number of the Application when officially known.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability of the subject matter of the Application as defined in Title 37, Code of Federal Regulations ("C.F.R."), § 1.56.

With respect to the Application, I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

With respect to the Application, I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of the application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all

information known to me to be material to patentability of the subject matter of the Application as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of the Application:

<u>09/291,931</u> (Application Serial No.)	<u>April 13, 1999</u> (Filing Date)	<u>Pending</u> (Status) (patented, pending, abandoned)
<u>09/259,214</u> (Application Serial No.)	<u>March 1, 1999</u> (Filing Date)	<u>Pending</u> (Status) (patented, pending, abandoned)
<u>08/910,798</u> (Application Serial No.)	<u>August 13, 1997</u> (Filing Date)	<u>Issued (5,876,997)</u> (Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Jay M. Short

Inventor's signature: 

Date: 6/28/00

Residence: Rancho Santa Fe, CA 92067

Citizenship: USA

Post Office Address: 6801 Paseo Delicias  
Box 7214  
Rancho Santa Fe, CA 92067-7214

Full name of second inventor: Keith A. Kretz

Inventor's signature: *Keith A. Kretz*

Date: 6-29-00

Residence: San Marcos, CA 92069

Citizenship: USA

Post Office Address: 973 Hawthorne Drive  
San Marcos, CA 92069

Gray Cary\GT\6185216.1  
104703-990000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Short et al.

Application No.: 09/318,528

Filed: May 25, 1999

For: RECOMBINANT BACTERIAL  
PHYTASES AND USES THEREOF

) Group Art Unit: Unassigned

) Examiner: Unassigned

) CERTIFICATION UNDER 37 CFR § 1.8

) I hereby certify that the documents referred to as enclosed herein  
) are being deposited with the United States Postal Service as first  
) class mail on **January 31, 2000**, in an envelope  
) addressed to: Assistant Commissioner for Patents, Washington,  
) D.C. 20231

) Name of Person Signing

) Signature

*Elizabeth Perez*  
*E Perez*

Assistant Commissioner for Patents  
Washington, D.C. 20231

**REVOCATION OF POWERS OF ATTORNEY;**  
**POWER OF ATTORNEY BY ASSIGNEE; and**  
**CHANGE OF MAILING ADDRESS**

Sir:

**DIVERSA CORPORATION**, the assignee of the entire right, title and interest in the above-identified application, as evidenced by the assignment enclosed herewith, hereby revokes all previous Powers of Attorney and appoints the following attorneys to prosecute the above-identified patent application and to transact all business in the Patent and Trademark Office connected therewith:

In re Application of: [REDACTED] et al.  
Application No. 09/318,528  
Filed: May 26, 1999  
Page 2

PATENT  
ATTORNEY DOCKET NO.: DIVER1370-3

TIM ELLIS  
LISA A. HAILE  
WILLIAM N. HULSEY, III  
RICHARD J. IMBRA  
SHEILA R. KIRSCHENBAUM  
JUNE M. LEARN  
TIMOTHY W. LOHSE  
TERRANCE A. MEADOR  
JOHN OSKOREP  
STEPHEN E. REITER  
STEVEN R. SPRINKLE  
RAMSEY R. STEWART  
DAVID R. STEVENS  
BARRY N. YOUNG

Registration No. 41,734  
Registration No. 38,347  
Registration No. 33,402  
Registration No. 37,643  
Registration No. 44,835  
Registration No. 31,238  
Registration No. 35,255  
Registration No. 30,298  
Registration No. 41,234  
Registration No. 31,192  
Registration No. 40,825  
Registration No. 38,322  
Registration No. 38,626  
Registration No. 27,774

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).